

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

KEENAN WRIGHT, RAYMOND E.	:	
BLAKE, THEODORE ROLLINS, and	:	
TAKOMA MEDLEY,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 07-783-JJF
	:	
C/O MEARS, et al.,	:	
	:	
Defendants.	:	

**ORDER**

WHEREAS, Plaintiffs, Takoma Medley ("Medley"), Theodore Rollins ("Rollins"), and Raymond Blake were prisoners incarcerated within the Delaware Department of Correction at the time they filed their Complaint under 42 U.S.C. § 1983, along with applications to proceed in forma pauperis pursuant to 28 U.S.C. § 1915;

WHEREAS, on December 13, 2007, the Court entered an order granting leave to proceed in forma pauperis, requiring Medley, Rollins, and Blake, along with the other named Plaintiffs, to pay the \$350.00 filing fee, jointly and severally, as determined by statute (D.I. 6);

WHEREAS, on December 26, 2007, the Court was notified that Medley is no longer incarcerated; on March 7, 2008, the Court was notified that Rollins is no longer incarcerated; and on May 28, 2008, an Order sent to Blake in a separate case, Civ. Action No. 07-230-JJF (D.I. 29), was returned indicating that Blake had been

released and is no longer incarcerated;

WHEREAS, under the Prison Litigation Reform Act, release does not eliminate the obligation of payment of a filing fee that could and should have been met from the trust account while imprisonment continued. Robbins v. Switzer, 104 F.3d 895, 899 (7<sup>th</sup> Cir. 1997); see also Drayer v. Attorney General, Nos. 03-2517, 03-2518, 81 Fed. Appx. 429 (3d Cir. 2003);

WHEREAS, on April 29, 2008, the Court ordered Medley and Rollins to either pay the filing fee they owe (\$350.00) or to each submit a new standard form application to proceed without prepayment of fees and affidavit within thirty days of the date of the Order (D.I. 19);

WHEREAS, the time has lapsed and neither Medley nor Rollins have complied with the Court's order of April 29, 2008;

THEREFORE, at Wilmington this 16 day of June, 2008, IT IS HEREBY ORDERED that:

1. Plaintiffs Takoma Medley and Theodore Rollins and their claims are **DISMISSED WITHOUT PREJUDICE**.

2. Within **thirty days** from the date of this Order, Plaintiff, Raymond Blake shall either pay the balance of the filing fee owed (\$350.00) **or** shall submit a new standard form application to proceed without prepayment of fees and affidavit so the Court may determine whether he is still eligible to proceed in forma pauperis.

NOTE: The failure of Raymond Blake to timely comply with this Order shall result in dismissal of his claim without prejudice.

  
UNITED STATES DISTRICT JUDGE